

STATE ARCHIVES AND RECORDS COMMISSION
Minutes of the Quarterly Meeting
December 13, 2007
Department for Libraries and Archives

The State Archives and Records Commission met at 10:00 a.m., December 13, 2007, in the Board Room, Kentucky Department for Libraries and Archives (KDLA), 300 Coffee Tree Road, Frankfort, Kentucky.

Members present: Wayne Onkst, Chair; Terry Birdwhistell, representing the University of Kentucky; Emily Dennis, representing Citizens-at-Large; James Kastner, representing the Kentucky Historical Society; Dean Johnson, representing local governments; and Brian Smith, representing Citizens-at-Large.

Representatives present: Charles Harman representing Helen Mountjoy, Secretary, Education Cabinet; Amye Bensenhaver, representing Gregory D. Stumbo, Attorney General; Brian Lykins, representing Crit Luallen, Auditor of Public Accounts; John Dobson, representing Joseph E. Lambert, Chief Justice, Supreme Court; and Leslie Smith, representing Robert Sherman, Director, Legislative Research Commission.

Members not present or represented: Mary E. Lassiter, State Budget Director; Mark Rutledge, Commissioner of Technology; Leah Hawkins, representing Citizens-at-Large; Robin Rader, representing Citizens-at-Large; and David Schroeder, representing the Kentucky Library Association.

Public Records Division staff present: Barbara Teague, Acting Director, Public Records Division; Jim Cundy, Manager, State Records Branch; Mark Myers, Electronic Records Archivist; Pamela Compton, Records Analyst; Jackie Arnold, Records Analyst; Audrey Terry, Electronic Record Specialist; Cynthia Snapp, Administrative Specialist.

Guests present: Brandon Haynes, Administrative Office of the Courts.

Onkst called for introductions by those present.

Mr. Johnson made a motion to accept the minutes of the previous Commission meeting, seconded by Mr. Kastner. The vote by members and representatives present was unanimous.

NEW OR REVISED RECORDS RETENTION SCHEDULES

Board of Chiropractic Examiners

Compton was the Records Analyst working on this schedule revision. **Additions to the Schedule:** Series 05731, License Renewal Applications; and Series 05732, Peer Review Files and Findings. **Revisions to the Schedule:** The following series are being closed as the Agency no longer creates these records. These records are still accessed by the Board of Chiropractic Examiners for administrative purposes. Series 01194, License Ledger Cards; Series 01197, Data on Chiropractic Schools; Series 01198, In-State Mailing List of Chiropractic Schools; Series 01199, Inspectors Pay Record; Series 01201, Inspections, Surveys-Individual, Facilities and Radiation

The Kentucky Board of Chiropractic Examiners is responsible for regulating the practice and licensure of chiropractic in the Commonwealth of Kentucky. The Board grants initial licensure to qualified chiropractors and oversees the annual renewal of licenses. The Board also investigates complaints against practitioners and is responsible for imposing disciplinary sanctions against those who violate KRS Chapter 312 and KAR 201 Chapter 21. The Board promulgates continuing education and licensure requirements.

This is complete revision of the schedule for the Board of Chiropractic Examiners.

Compton summarized the schedule revision.

Ms. Smith made a motion to adopt the schedule, seconded by Mr. Kastner. The vote by members and representatives present was unanimous.

Commerce Cabinet – Department of Fish and Wildlife Resources

Arnold was the Records Analyst working on these additions. **Additions to the Schedule:** Series 05735, Voided License File; Series 05736, Replacement License Request File; Series 05737, Refund Request File; Series 05738, Disability Authorization Card Request File.

The functions of the four-member Game and Fish Commission, created in 1912, were later placed in the Department of Conservation after its creation in 1936. The Department of Fish and Wildlife was created by the 1944 General Assembly, when the Division of Game and Fish was removed from the Department of Conservation. The Department of Fish and Wildlife received its current name in 1952. The Department, as established by KRS 150.021, is responsible for the protection and improvement of fish and wildlife resources throughout Kentucky. It is under the general supervision of the Fish and Wildlife Resources Commission. The Commission, established by KRS 150.022, is a bipartisan body of nine members, one from each of the nine districts, appointed by

the Governor from a list of five provided by sportsmen in each district. The Commission is responsible for developing Department policy by promulgating administrative regulations. The Department of Fish and Wildlife is headed by a Commissioner appointed, pursuant KRS 150.061, by the Fish and Wildlife Commission. The Commissioner is responsible for staffing, expending funds, and administering programs of the Department. Financial support of the Department is derived from its sale of hunting and fishing licenses, miscellaneous licenses, federal grants, and fines and penalties assessed by the courts for violation of game and fish laws.

The Department has seven divisions: Law Enforcement Division, Administrative Services Division, Engineering Division, Fisheries Division, Information and Education Division, Wildlife Division and Public Affairs and Policy Division.

Arnold summarized the schedule additions.

Ms. Dennis made a motion to adopt the schedule additions, seconded by Ms. Smith. The vote by members and representatives present was unanimous.

State University Model

Cundy was the Records Analyst working on these additions. **Additions to the Schedule:** Series U0123, Request to Inspect Public Records; and Series U0643, Student Faculty/Course Evaluations.

The State University Model Schedule governs retention and disposition for records common among Kentucky's Public Universities and its Community and Technical College System. This is part of a continuing effort to update the State University Model Records Retention Schedule.

Cundy summarized the schedule additions.

Mr. Birdwhistell made a motion to adopt the schedule additions, seconded by Mr. Lykins. The vote by the members and representatives present was unanimous.

Archives Week.

Onkst recognized Teague, who provided a brief summary of the Kentucky Archives Week events which were held the week of October 7-13, 2007. Archives Week is sponsored by the State Historical Records Advisory Board, KDLA, and the Kentucky Council on Archives. Its purpose is to raise awareness around the state of the work of archivists and archival institutions. The theme for the 6th annual archives week was Leisure. A poster was distributed, with artwork designed by Gretchen Haney of the Kentucky Historical Society. The theme for the upcoming 7th annual event in 2008 will be the celebration of the 50th Anniversary of the State Public Records Law, which includes the creation of the State Archives and Records Commission.

During the first Archives Week in 2001, Dr. Thomas D. Clark was presented with an award and subsequently the award was titled the Dr. Thomas D. Clark Kentucky Archives Week Award. Recipients of this award include Lowell Harrison of Western Kentucky University and Jim Klotter, of Georgetown College. The award was presented this year to recently retired Kentucky State Archivist and Records Administrator, Richard Belding.

Birdwhistell commended the department for the continued leadership role it plays in Archives Week planning.

Administrative Regulation

Onkst recognized Teague, who provided an update on the promulgation of two administrative regulations: one supporting the records retention scheduling and records destruction processes; and another incorporating by reference the records retention schedules approved by the Commission. Teague said that the two administrative regulations had been submitted in July. The department received comments and held a public hearing in August. Staff attended a review meeting of the Administrative Regulation subcommittee in October. The regulations were then referred to the Education Committee. The Education Committee did not hold a meeting within the thirty-day period allowed, so that the regulations came into effect on December 7, 2007. PRD staff believes this will bring a greater awareness to all state and local government personnel of the role of the State Archives and Records Commission and the existence of retention schedules generally. It will also strengthen legal support of records retention schedules.

Teague said that Division staff will be working on another administrative regulation concerning the record transfer process.

Onkst acknowledged the work of Jeff Mosley, legal counsel for the Education Cabinet, Richard Belding and Barbara Teague as well as other Division staff members who oversaw the promulgation of the regulations.

Strategic Planning

Onkst gave a brief update on the department's Strategic Planning Initiative. This began approximately six months ago with identification of goals and objectives, and development of strategies for their implementation. The central issue related to the archives is records storage. Space has been made available for the Fletcher Administration records and Archives staff is also expecting the arrival of Judicial Branch material from Fleming County. Once the Archives Center has received these shipments, there will be no space remaining. The budget request for a building expansion has been submitted. This project has a cost of \$11 million and the expansion will not require additional staffing.

Gubernatorial Transition

Onkst recognized Teague, who said that, from a records management standpoint, the transition between administrations was going well. Division staff members are in the process of acquiring approximately 150 cubic feet of correspondence and general files from Governor Fletcher's staff. Earlier this week staff acquired 27 cubic feet of Governor Fletcher's schedules. The Archives is expecting another 20 cubic feet of board and commission appointment records in 2008. Staff has also captured an electronic index of incoming correspondence. The department has also received sixty-two compact discs of primary constituents' correspondence. The department has also copied press releases and media advisories in digital format.

Teague recognized Myers for an overview of the process of transferring digital records. The process began with copying the Governor's website during the Patton administration and continuing through the Fletcher administration, during which snapshots of the website were made periodically. Division staff also met with Kentucky Interactive, which operates the Governor's website and the state web portal. In that meeting, Kentucky Interactive and KDLA reached an agreement that Kentucky Interactive would maintain websites of outgoing elected officials offline, to allow KDLA staff to continue to harvest information even though the sites are no longer publicly accessible. Division staff will be able to access offline versions of the former Governor's Lt. Governor's State Treasurer's websites. Department staff has also been capturing information from the Governor Beshear's transition website and the Beshear-Mongiardo Inaugural website.

Cundy added a meeting is scheduled for January 15, 2008 with the Attorney General staff regarding records transfer.

Teague said that, in recent years, the archives staff has received the Governor's photograph files, digital copies of those files, and videos from the Division of Creative Services. The agreement with Kentucky Interactive has made archival requests easier to respond to through increased search capability, for example searches for photos of specific event photos.

She has also spoken with Ellen Heslen, General Counsel for the Beshear administration, concerning the Governor's records management responsibilities. The Attorney General's office issued an opinion concerning the Fletcher transition team (**07-ORD-254**, *In re: Dennis J. Langford/Office of the Governor*), asserting that the records created by the transition team are public records since they are doing the business of the Commonwealth. Teague shared that opinion with Ms. Heslen and she is aware the transition team's responsibility to maintain and manage records.

Commission Membership

Onkst moved to Commission Membership. One of the last acts of the Fletcher administration was to make appointments to this Commission. James Kastner was

reappointed to represent the Kentucky Historical Society; Brian Smith of Elizabethtown will represent Citizens-At-Large; David Schroeder of Kenton County will represent the Kentucky Library Association; and Robin Rader of Lexington will represent Citizens-At-Large. This will leave one vacancy to be filled, representing the Regional Universities.

Onkst also announced the meeting schedule for 2008. The dates will be March 13th, June 12th, September 11th and December 11th, all at 10:00 a.m. at the Department.

Ms. Dennis made a motion to adopt the 2008 meeting schedule, seconded by Mr. Kastner. The vote by members and representatives present was unanimous.

There being no further business, Onkst adjourned the meeting at 10:50.